

DEFICIENCY PROGRESS REPORT – UPDATE 3

June 19, 2008

CUPA: TEHAMA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

Evaluation Date: September 19, 2007

Evaluator: Jennifer Lorenzo, Cal/EPA

Status: Deficiencies 2, 3, 4, and 6 remain outstanding.

Next Progress Report (4th Update) Due: September 30, 2008

1. **Deficiency:** The CUPA is not assessing CalARP state surcharge.

Preliminary Corrective Action by December 18, 2007: The CUPA will assess the FY 07/08 CalARP state surcharge on each business regulated under the CalARP program.

CUPA Corrective Action (December 18, 2007): The CUPA has [assessed] the FY 07/08 surcharge on all businesses regulated by the CalARP program. Please see Fax.

Cal/EPA Comments to December 18, 2007, Corrective Action: *The CUPA has satisfactorily corrected this deficiency; no further update is necessary.*

2. **Deficiency:** The CUPA is not fully tracking and reporting all items requested on their Annual Inspection Summary Report 3.

Preliminary Corrective Action by September 30, 2008: While the CUPA continues to improve their database management system (SWEEPS), the CUPA will ensure that the information reported on the Annual Inspection Summary Report 3 will be complete. Before submittal of the report, the CUPA will verify that the data reported are as accurate as possible.

CUPA Corrective Action (December 18, 2007): The CUPA arranged a meeting with the SWEEPS provider who added specific data entry codes to the database management system. These new codes will address accuracy in tracking and reporting all items required in annual inspection summary Report #3.

Cal/EPA Comments to December 18, 2007, Corrective Action: *This deficiency remains a correction in progress. On the next progress report, due on March 17, 2008, please update Cal/EPA on the progress toward correcting this deficiency.*

CUPA Corrective Action (March 25, 2008): [The CUPA submitted a copy of their Annual Inspection Summary Report 3 and Annual Enforcement Summary Report 4 for the period from July 1, 2007, to March 10, 2008.]

Cal/EPA Comments to March 25, 2008, Corrective Action: *Based on the Annual Inspection Summary Report submitted, Column 4 shows "0" routine inspections that returned to compliance within the established standard for the business plan and UST programs. However, based on the Annual Enforcement Summary Report, there were at least six business plan facilities that were cited with violations and, of those, three informal enforcement actions were taken, yet there were no routine inspections that returned to compliance within the established standard time period. Also, four UST facilities were cited with violations, but no informal or formal enforcement actions were taken, and, of the six UST facilities cited, there were no routine inspections that returned to compliance within the established standard time period. Five hazardous waste generator facilities were inspected for routine compliance; however, six "routine inspections" had returned to compliance within the established standard time period. Therefore, this deficiency remains outstanding. On the next progress report, due on June 16, 2008, please update Cal/EPA on the progress toward correcting this deficiency.*

CUPA Corrective Action (June 18, 2008): We continue to work with our database management system (SWEEPS) to create specific program and data entry codes to produce data that is as accurate as possible for the Annual Summary Reports 3 and 4. Recently, we were able to add data entry codes to include Minor, Class I, Class II violations, and RTC inspections. Many of the facilities noted in the *Cal/EPA Comments to March 25, 2008, Corrective Action* have returned to compliance which should be reflected in the new Annual Inspection Report 3 due at the end of FY 07/08. We also plan to schedule a meeting with SWEEPS to address data entry codes for the *Enforcement Actions Taken* columns in the new Annual Enforcement Summary Report 4.

Cal/EPA Comments to June 18, 2008, Corrective Action: *Cal/EPA appreciates the progress that the CUPA has made toward correcting this deficiency. On the next progress report, due on September 30, 2008, please continue to update Cal/EPA on the status of this deficiency, including a copy of the Annual Inspection Summary Report 3 for FY 07/08, using the new form.*

3. **Deficiency:** The CUPA is not fully tracking and reporting violations information and enforcement actions taken on their Annual Enforcement Summary Reports.

Preliminary Corrective Action by September 30, 2008: While the CUPA continues to update and improve their database management system, the CUPA will ensure that the violations and enforcement data on the Annual Enforcement Summary Report 4 will be complete and as accurate as possible.

CUPA Corrective Action (December 18, 2007): The CUPA arranged a meeting with the SWEEPS provider who added specific data entry codes to the database management system. The new codes will address accuracy in tracking violations and enforcement activities on the annual enforcement summary report #4.

Cal/EPA Comments to December 18, 2007, Corrective Action: *This deficiency remains a correction in progress. On the next progress report, due on March 17, 2008, please update Cal/EPA on the progress toward correcting this deficiency.*

CUPA Corrective Action (March 25, 2008): [The CUPA submitted a copy of their Annual Inspection Summary Report 3 and Annual Enforcement Summary Report 4 for the period from July 1, 2007, to March 10, 2008.]

Cal/EPA Comments to March 25, 2008, Corrective Action: *Based on the Annual Enforcement Summary Report submitted, four UST facilities were cited with violations; however, no enforcement actions (informal or formal) were taken. Also, a total of six business plan facilities received violation citations; however, only three (informal) enforcement actions were taken. In addition, the hazardous waste generator columns for facilities with Class I or Class II violations were blank. Therefore, this deficiency remains outstanding. The CUPA needs to ensure that all required fields are accurately and completely filled out. Also, if certain fields/boxes do not apply to the CUPA, enter "NA" for "not applicable," else enter "0." On the next progress report, due on June 16, 2008, please update Cal/EPA on the progress toward correcting this deficiency.*

CUPA Corrective Action (June 18, 2008): As noted in our response for Deficiency #2 we will soon be adding date entry codes in our data base management system to address informal and formal enforcement action taken so that we can better track violations with enforcement actions. This should allow us to provide more accurate data for the Annual Enforcement Summary Report 4 and eliminate the confusion of violation citations versus enforcement actions taken.

Cal/EPA Comments to June 18, 2008, Corrective Action: *Cal/EPA appreciates the progress that the CUPA has made toward correcting this deficiency. On the next progress report, due on September 30, 2008, please continue to update Cal/EPA on the status of this deficiency, including a copy of the Annual Enforcement Summary Report 4 for FY 07/08, using the new form.*

- 4. Deficiency:** The CUPA is not inspecting each business plan facility at least once every three years.

Preliminary Corrective Action by December 18, 2007: On an annual basis, the CUPA will inspect approximately a third of its business plan facilities. Beginning December 18, 2007, the CUPA will submit a status of their progress, including the number of facilities inspected.

CUPA Corrective Action (December 18, 2007): The CUPA has a total of 273 business plan facilities on inventory. Between July 1, 2007 and November 1, 2007, forty two [42] of these facilities were inspected. The CUPA's goal is to maintain a triennial inspection frequency for these facilities.

Cal/EPA Comments to December 18, 2007, Corrective Action: *Although the CUPA inspected approximately 26% of its business plan facilities during FY 06/07, the CUPA has already inspected about 15% of its business plan facilities from July 1 to November 1, 2007. If the CUPA continues to inspect facilities at the current rate, then the CUPA will exceed the mandated triennial inspection frequency for this fiscal year. Keep up the good work. On the next status report, due on March 17, 2008, please update Cal/EPA on the progress toward correcting this deficiency, including the total number of business plan facilities and the number of routine (compliance) inspections conducted from July 1, 2007, to February 29, 2008.*

CUPA Corrective Action (March 25, 2008): [The CUPA submitted a copy of their Annual Inspection Summary Report 3 for the period from July 1, 2007, to March 10, 2008.]

Cal/EPA Comments to March 25, 2008, Corrective Action: *Based on the Annual Inspection Summary Report submitted, the CUPA has inspected about 18 percent of its business plan facilities for this fiscal year (as of March 10, 2008). If the CUPA continues to inspect at this rate, then the CUPA will have inspected about 26 percent of the business plan facilities, which is below the mandated 33 percent inspection frequency. Therefore, this deficiency remains in the process of being corrected. The CUPA needs to inspect at least an additional 38 business plan facilities for this fiscal year to correct this deficiency. On the next update, due on June 16, 2008, please update Cal/EPA on the progress toward correcting this deficiency, including the total number of business plan facilities and the number of routine (compliance) inspections conducted from July 1, 2007, to May 31, 2008.*

CUPA Corrective Action (June 18, 2008): Currently we have identified 274 active HMBP facilities and have inspected 88 facilities from 7/1/07 thru 5/31/08 which is 32% of the facilities inspected annually. With completed and scheduled inspections for the month of June we will exceed the mandated triennial inspection frequency for FY 07/08.

Cal/EPA Comments to June 18, 2008, Corrective Action: *The CUPA has made tremendous progress toward correcting this deficiency. Once the CUPA has inspected about three additional facilities for hazardous materials business plan compliance by June 30, 2008, the CUPA will have corrected this deficiency. On the next progress report, due on September 30, 2008, please submit a copy of the Annual Inspection Summary Report 3 for FY 07/08, using the new form. In addition, if the CUPA does not inspect an approximate 33 percent of its hazardous materials business plan facilities during FY 07/08, then please submit an action plan indicating how the CUPA will meet the mandated triennial inspection frequency, including the total number of business plan facilities and the number of routine (compliance) inspections conducted from July 1, 2008, to August 31, 2008.*

5. **Deficiency:** The CUPA is not implementing and enforcing the requirements of the business plan program for all regulated businesses.

Preliminary Corrective Action by December 18, 2007: The CUPA will incorporate the farms within their jurisdiction into the business plan program. By December 18, 2007, meet with and confer with the Agricultural Commissioner's Office on the subject of farm inspections and the

business plan program. By March 17, 2008, develop a procedures manual in conjunction with the Agricultural Commissioner's Office.

CUPA Corrective Action (December 18, 2007): The CUPA has met with the agricultural commissioner's office and has begun implementation of the business plan program relating to farms. [The CUPA has begun] establishing [an] inventory and introducing the program to the agricultural community. Please see Fax.

Cal/EPA Comments to December 18, 2007, Corrective Action: *Cal/EPA appreciates the efforts that the CUPA have taken toward correcting this deficiency. This deficiency remains a correction in progress. On the next status report, due on March 17, 2008, please update Cal/EPA on the progress toward correcting this deficiency, including a list of the agricultural businesses that were not previously regulated but are now subject to the business plan program based on the hazardous materials inventory notifications sent by the CUPA to the agricultural handlers within the county.*

CUPA Corrective Action (March 25, 2008): [The CUPA submitted copies of hazardous materials inventory statements received from six agricultural handlers within Tehama County.]

Cal/EPA Comments to March 25, 2008, Corrective Action: *With the assistance of the Agricultural Department, the CUPA has begun collecting information from its agricultural community, regarding hazardous materials inventory. Therefore, the CUPA has satisfactorily corrected this deficiency. Continue to implement and enforce the requirements of the business plan program for all regulated businesses, including the agricultural facilities. No further update is required.*

6. **Deficiency:** The CUPA is not conducting hazardous waste generator inspections with a frequency consistent with their Inspection and Enforcement Program Plan, which is triennial.

Preliminary Corrective Action by December 18, 2007: On an annual basis, the CUPA will inspect approximately a third of its hazardous waste generator facilities. Beginning December 18, 2007, the CUPA will submit a status of their progress, including the number of facilities inspected.

CUPA Corrective Action (December 18, 2007): The CUPA has a total of 109 hazardous materials business plan facilities on inventory. Between July 1, 2007, thru November 30, 2007, twelve [12] of these facilities were inspected. The CUPA's goal is to maintain a triennial inspection frequency for these facilities.

Cal/EPA Comments to December 18, 2007, Corrective Action: *The CUPA inspected approximately 29% of their hazardous waste generator facilities during FY 06/07. The CUPA has already inspected 11% of its hazardous waste generators from July 1 to November 30, 2007. If the CUPA continues to inspect at this rate, then the CUPA will have inspected less than a third of their hazardous waste generator facilities for FY 07/08. Therefore, this deficiency remains a correction in progress. On the next status report, due on March 17, 2008,*

please update Cal/EPA on the progress toward correcting this deficiency, including the total number of hazardous waste generator facilities and the number of routine (compliance) inspections conducted from July 1, 2007, to February 29, 2008.

CUPA Corrective Action (March 25, 2008): [The CUPA submitted a copy of their Annual Inspection Summary Report 3 for the period from July 1, 2007, to March 10, 2008.]

Cal/EPA Comments to March 25, 2008, Corrective Action: *Based on the Annual Inspection Summary Report submitted, the CUPA has inspected nearly five percent of its hazardous waste generator facilities for this fiscal year (as of March 10, 2008). Therefore, this deficiency remains outstanding. The CUPA needs to inspect at least an additional 31 hazardous waste generator facilities for this fiscal year to correct this deficiency. Develop a plan of action to ensure adherence to the triennial frequency. On the next progress report, due on June 16, 2008, please update Cal/EPA on the status of implementing the action plan, including the total number of business plan facilities and the number of routine (compliance) inspections conducted from July 1, 2007, to May 31, 2008.*

CUPA Corrective Action (June 18, 2008): Currently we have identified 109 hazardous waste generator facilities and have inspected 27 facilities from 7/1/07 thru 5/31/08 which is 25% of the facilities inspected annually. With completed and scheduled inspections for the month of June we may be at or just short of our goal of 33% of facilities inspected annually.

Cal/EPA Comments to June 18, 2008, Corrective Action: *The CUPA continues to make progress toward correcting this deficiency. Once the CUPA has inspected about nine additional facilities for hazardous waste generator compliance by June 30, 2008, the CUPA will have corrected this deficiency. On the next progress report, due on September 30, 2008, please submit a copy of the Annual Inspection Summary Report 3 for FY 07/08, using the new form. In addition, if the CUPA does not inspect an approximate 33 percent of its hazardous waste generator facilities during FY 07/08, then please submit an action plan indicating how the CUPA will meet the triennial inspection frequency, including the total number of hazardous waste generators and the number of routine (compliance) inspections conducted from July 1, 2008, to August 31, 2008.*

- 7. Deficiency:** The CUPA does not have a mechanism to receive comments or feedback from the public or regulated business community, such as a customer service survey form.

Preliminary Corrective Action by December 18, 2007: The CUPA will develop a survey or questionnaire to obtain feedback or comments from the public and regulated facilities. The survey or questionnaire should be readily available at the CUPA's office and may also be mailed to the regulated businesses.

CUPA Corrective Action (December 18, 2007): The CUPA will develop a survey to solicit feedback or comments from regulated facilities. The form will be readily available at the office counter and will be made directly accessible to the regulated businesses.

Cal/EPA Comments to December 18, 2007, Corrective Action: *This deficiency remains a correction in progress. On the next status report, due on March 17, 2008, please update Cal/EPA on the progress toward correcting this deficiency and submit a copy of the survey, if available then.*

CUPA Corrective Action (January 9, 2008): [The CUPA developed a customer service survey and provided a copy to Cal/EPA via fax.]

Cal/EPA Comments to January 9, 2008, Corrective Action: *This deficiency is corrected. No further update is requested.*